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Transport Your Gun LEGALLY

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Commonly Asked Questions on Transporting Firearms

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Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearms or firearm ammunition within the state must have in their possession a currently valid Firearm Owner's Identification (FOID) card issued in his or her name.

Answers provided to the following questions are meant only to give general guidance regarding transporting firearms and ammunition. The answers do not and are not meant to replace statutory language.

How can I legally transport a firearm on my person or in my vehicle?

Three statutory codes regulate the possession, transfer, and transportation of firearms — the Criminal Code, the Wildlife Code, and the Firearm Owner's Identification Act.

Under Unlawful Use of Weapons (UUW) in the **Criminal Code**, persons who have been issued a valid FOID card may transport a firearm anywhere in their vehicle or on their person as long as the firearm is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container. Firearms that are not immediately accessible or are broken down in a non-functioning state may also be carried or transported under the Criminal Code. The **Wildlife Code**, however, is more restrictive. It requires that all firearms transported in or on any vehicle be unloaded and in a case.

Because of this, it is recommended that, in order to be in compliance with all statutes, all firearms be transported:

1. **Unloaded and,**
2. **Enclosed in a case, and**
3. **By persons who have a valid FOID card.**

Unless specifically exempted from UUW, a person commits a Class 4 Felony if he or she carries or possesses a firearm contrary to the aggravated UUW law of the Criminal Code (i.e., unlawfully carries on their person or illegally transports a firearm in a vehicle) **AND** one or more of the following aggravating factors apply:

(1) The firearm possessed was uncased, loaded, and immediately accessible at the time of the offense;
(2) The firearm possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense;
(3) Does not have a valid FOID card;
(4) Was previously adjudicated of a Felony as a juvenile;
(5) Was engaged in a Misdemeanor violation of the Cannabis Control Act or the Controlled Substances Act;
(6) Is a member of a street gang;
(7) Has had an order of protection against them in the last two years;
(8) Was engaged in the commission or attempted commission of a Misdemeanor involving the use of violence against another person or the property of another; or
(9) Is under 21 years of age and in possession of a handgun, unless the person is engaged in hunting activities under the Wildlife Code.

What constitutes a legal "case"?

The Criminal Code refers to "a case, firearm carrying box, shipping box, or other container." However, the Wildlife Code is more specific, defining case as ***"a container specifically designed for the purpose of housing a gun or bow and arrow device which completely encloses such gun or bow and arrow device by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the gun or bow and arrow device exposed."***

How do the differences in these two laws affect me for the purposes of the Unlawful Use of Weapons law?

It is recommended that persons transport their firearms only unloaded and in a case in order to be fully compliant with all statutes. A firearm transported in a container other than a case while engaged in activities covered by the Wildlife Code could subject an individual to a charge of Class B Misdemeanor under the Wildlife Code, but would not be considered Unlawful Use of Weapons if the container were a "firearm carrying box, shipping box, or other container" as provided in the Criminal Code.

If I fail to zip up the case entirely, will I be guilty of a felony?

No, as long as the firearm is unloaded, and none of the aggravating factors of the Unlawful Use of Weapons law are present. The way to avoid this situation is to make sure firearm cases are completely zipped or otherwise completely fastened shut.

What is immediately accessible?

The test is if a reasonable person would conclude that the firearm is located within relatively quick reach. It is a Class 4 Felony to have an uncased, loaded firearm immediately accessible. It is recommended that firearms be unloaded and enclosed in a case, and possessed by an individual with a valid FOID card when being transported.

What is broken down in a non-functioning state?

The firearm is disassembled, making it inoperable, e.g., slide or barrel removed.

Does a firearm have to be broken down to be legal?

No. However, it is recommended that to transport a firearm it be unloaded and encased, and possessed by the holder of a valid FOID card.

How can I legally transport my firearm in my Sports Utility Vehicle (SUV), pickup truck, van, station wagon, or even a motorcycle?

The surest way is to have the firearm unloaded and enclosed in a case, and to make sure your FOID card is valid.

How do I transport a firearm through an Illinois community with an ordinance that prohibits firearms or handguns?

Illinois' Unlawful Use of Weapons law does not preempt local ordinances from banning firearms. Persons carrying or transporting firearms through such communities could be subject to local firearm ordinances. Federal law does attempt to provide limited protection in these circumstances, but when transporting

firearms in unfamiliar communities, it is a good idea to check with authorities on local law.

If a nonresident is coming to Illinois to hunt and would like to bring their firearm, how do they legally transport it?

Nonresidents must comply with the gun case law as described above. Additionally, the firearm must not be immediately accessible or must be broken down in a non-functioning state.

What if I leave a firearm in my vehicle (regardless of location) and a family member, without a valid FOID card, is driving the vehicle without me and is stopped by police and the firearm is found?

The law states a person must "knowingly" violate the law. The assumption in the question is that the family member was unaware of a firearm's presence. However, at a traffic stop, you should expect the officer to handle the situation at face value, take enforcement action accordingly, and let the court settle the matter. Depending on the situation, the charge could be a Class 4 Felony. Don't put a family member in that position.

How can I legally transport ammunition?

Illinois law requires that residents possessing ammunition must have a valid FOID card. Transporting an unloaded, uncased firearm with ammunition immediately accessible is a Class 4 Felony, unless the firearm is not immediately accessible or is broken down in a non-functioning state.

The location of ammunition being transported, including ammunition being transported in loaded magazines, is not regulated if the firearm is possessed or transported lawfully.

Is it illegal to have ammunition in the case with the firearm?

No, if the firearm is unloaded and is properly enclosed in a case and the individual

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possessing the firearm and ammunition is in possession of a valid FOID card.

Can I transport a firearm in a gun rack in the back window of my truck?

Yes, if the firearm is unloaded and encased, and you are a resident with a valid FOID card. One thing to consider — a gun displayed in a window could invite theft.

Can I keep a firearm in my hotel room when I travel?

Yes, assuming no local ordinance applies. The critical question is how the firearm was carried into the room and transported in a vehicle. Those actions must be done lawfully.

I have a friend/relative who has a "conceal and carry" permit issued in the state in which they reside. Is the permit recognized in Illinois?

No. Nonresidents are subject to Illinois law, restrictions, and penalties, and should be familiar with them if the nonresident plans to bring a firearm into the state.

What constitutes "unloaded" for a muzzleloading firearm?

(17 Ill. Admin. Code, Ch. I, Sec 660.30 - 5) provides a definition for an unloaded muzzleloading firearm as follows:

Removal of percussion cap or removal of prime powder from frizzen pan with frizzen pan open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

For more information contact:

Illinois State Police at 217-524-2525

FOID Office at 217-782-7980

http://www.state.il.us/isp

Department of Natural Resources

217-782-6431, http://dnr.state.il.us/

Printed by the Authority of the State of Illinois
ISP Central Printing Section
ISP 1-154 (8/00) 70M